



Missouri Department of Health and Senior Services

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RELAY MISSOURI for Hearing and Speech Impaired 1-800-735-2966 VOICE 1-800-735-2466

Margaret T. Donnelly
Director



Jeremiah W. (Jay) Nixon
Governor

Instructions for Second Business Request

Mail: Department of Health & Senior Services
Section for Long Term Care Regulation
Attn: Second Business Committee Chairperson
P.O. Box 570
Jefferson City, MO 65102

Fax: (573) 526-8797 (Attn: Policy Unit)

If you have any questions, please contact the Policy Unit at (573) 526-8520.

Please provide the following information when submitting your request:

1. A signed written statement from the administrator, describing the specific type and nature of the business.
2. Whom the business will serve (i.e. facility residents, elderly or disabled in the community etc.).
3. Who or what will occupy the area, including if the facility will share or utilize any resources in common with the business (i.e. staff, space, equipment, storage).
4. What affect the business may have on the facility's ability to provide care and services to its residents.
5. A floor plan (if applicable) of the facility showing where the business will be located, entrance, room size, and therapy restroom(s).
6. The legal name of the entity that will be operating the business and a copy of any written agreements between the business entity and the licensed operator of the facility. (Please clarify the legal name of the facility operator and the legal name that will operate the second business entity).
7. Any document/instrument memorializing an agreement executed between the facility operator and the second business entity concerning property or use rights of the premises. **NOTE:** An agreement between a second business entity that will operate on the premises and the licensed operator of the facility that constitutes a lease to that business entity violates state law. Specifically, leasing space on the premises deprives the facility operator of the present exclusive right to possession of the entire premises, one of the requirements for licensure. **See 19 CSR 30-82.010(1) (L) 7 and 19 CSR 30-83.010(35).** Unlike a lease, a license to utilize space between the second business entity and the facility operator does not deprive the facility operator of the present exclusive right to possession. Whether to enter into an agreement granting such a license is a legal decision that the facility operator must make independent from the Department.

www.dhss.mo.gov

The Missouri Department of Health and Senior Services will be the leader in promoting, protecting and partnering for health.
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER: Services provided on a nondiscriminatory basis

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